[Herman] owes to [Zdenka] the sum of $549,288.81 which included interest through October 10, 2003, is a valid Order. Additional interest has accrued, and the total amount owing [sic] to [Zdenka] is the amount of $576,752.79. This includes interest through April 30, 2004. [?] [Herman] shall have thirty days to make payment of all monies owing to [Zdenka]. If said payment is not made within thirty days, the real property ... shall be sold in order for the judgment to be satisfied." The court continued the matter to May 13, 2004 for a "review."

Discussion

Herman challenges the order for sale of the property, and he renews his request that the lien on the property be released. He offers no basis, however, for concluding that the order was erroneous. He states that the court was unaware of his counterproposal to obtain a loan on the house, but there is no evidence that the court did not read and consider his opposition to Zdenka's motion, in which he suggested that alternative. Herman also states that the order was signed without a hearing. The clerk's transcript indicates, however, that both parties were present in the court on April 5 2004, and that at the hearing the court expressly made the findings reflected in its subsequent order. {We have not been provided a reporters transcript}

We also observe that the order to sell property is *conditioned* upon Herman's failure to pay the money he owed Zdenka. Whether Herman did or did not pay Zdenka by May 13, 2004 is not in the record and is in any event beyond the scope of this court's review. Herman's challenge to the "Order to sell the property" is thus premature and without factual foundation.

Herman offers no other argument, fact, or authority on which this court could find error in the family court's order.

Disposition

The order is affirmed.

ELIA, J. WE CONCUR: RUSHING, P.J. PREMO, J.

PETITION FOR REHEARING

Court of Appeals CA Sixth Appellate District
H027461 (SCC Superior Court FL 086124)

The Appellant petitions for rehearing on the grounds of Omission or Misstatement of Issue or Fact.

Compensatory payment for the house, Herman is required to pay to Zdenka, is $233,500 and **not** $467,000 as assumed by the Court.

Statement of Zdenka, "Herman ... has failed to cooperate in division of **any** property pursuant to the Judgment" is apparent lie. However, no questions were raised in briefing or oral arguments.

Total sum of money **available** to pay compensatory payment $576,752 mandated by the entire Judgment is now matter of appeal H027866 currently fully briefed but not yet orally argued.

The Order to sell the house has been signed before any review hearing. Considering 30-day period for demanded payment and no compensation resolved to this date this Appeal is not premature.

Zdenka is using the Order as a vehicle of extortion to cover-up for defects in the Judgment herself to be blamed for. The Court, finding the Appellant in earlier appeal H022230 "sadly misdirected", is apparently failing to appreciate that, in the years since, his assertions became almost prophetic.

San Jose January 28, 2005.

"s/Herman Aster"

One page. (183 words)

App. 10

Court of Appeal, Sixth Appellate District No. H027461
S131703

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re Marriage of ZDENKA AND HERMAN ASTER

ZDENKA ASTER, Respondent,

v.

HERMAN ASTER, Appellant

Petition for review DENIED.

Supreme Court
FILED
MAR 30 2005
Frederick K. Ohlrloh
Clerk - Deputy

"s/ George "

Chief Justice

UNITED NATIONS
UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, **home** or correspondence, nor to attacks upon his honour and reputation. Everyone has the right tp the protection of the law against such an interference or attacks.

Article 25-1

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in event of unemployment, sickness, disability, widowhood, **old age** or lack of livelihood in circumstances beyond his control.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at destruction of any of the rights and freedoms set forth herein.

App. 12

LETTER

Stationary:
Dolly Ares Attorney at Law
514 Monterey Street, Hollister, CA 95023
Fax (831) 637-6779, Phone (831) 637-6775

February 3, 2005

Mr. Herman Aster
2167 Riordan Drive
San Jose, CA 95130

Re: Marriage of Aster

Dear Mr. Aster:

I have now received the Opinion from the Court of Appeal on your first appeal. The Opinion basically states that we can go forward with the sale of family residence. It would seem to me, Mr. Aster, that you should be willing at this time to be reasonable and attempt to work out some solution so that your residence does not have to be sold. Unless I hear from you within five days, I am going to go ahead and have the sheriff to proceed with the writ of execution for the sale of real property.

Yours very truly,

"s/ Dolly Ares"

DA/jm
Cc: Zdenka Aster
C:\MyFiles\Clients\Aster\Herman It5.wpd

No. 05-125

In The
Supreme Court of the United States

HERMAN ASTER, Petitioner,

vs.

ZDENKA ASTER, *Respondent.*

On Petition For Writ Of Certiorari
To The Court Of Appeal
For The State Of California Sixth Appellate District.

PETITION FOR REHEARING

The Petitioner
HERMAN ASTER,
2167 Riordan Drive
San Jose, California, 95130
Telephone (408) 378-1457

In the Case 05-125 Aster v. Aster

October 3, 2005 Petition for a writ of certiorari has been denied. The Chief Justice took no part in the consideration or decision of this petition.

The Petitioner begs for re-consideration of denial by the Court of nine justices with Chief Justice presiding.

San Jose October 6, 2005 Herman Aster

CERTIFICATION

This petition is presented in good faith. The petitioner came to this country to promise of justice and freedom from country of communist oppression where the respondent played the role of oppressor as explained and argued in earlier denied petition 02-823. It is the respondent, after 42 years of marital betray, to benefit from petitioner's eviction from his home. The matter deserves attention of full court.

This petition is not presented for delay. Taking in account this case is now in its seventh year in courts, the benefit gained from delay, if any, is not worth of consideration.

San Jose October 24, 2005 Herman Aster